

CASE NO.: 1118.002
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Filed: July 10, 2001

Remarks

Reconsideration of the above-captioned application is respectfully requested. It is believed that the new claims, support for which is found in Figures 2 and 3 (note that claim language need not match language in the specification, MPEP §2173.05(e), as long as the specification including the drawings clearly support the language), overcome the Section 112 rejections of the previous Office Action without acquiescing in the rectitude of the rejections.

It appears that of the previous substantive rejections, the one most relevant to the new claims is the obviousness rejection under 35 U.S.C. §103 arrived at by combining Geel with Lumpkin. It is noted that even if Geel were to be combined with Lumpkin, the present invention would not be arrived at, since no air space between the ground and the rear wing of the hypothetical combination would be established. Instead, the squeegee of Lumpkin would extend to the ground. This would in addition defeat the specific recitation of independent Claim 32 that air outside the jet manifold between the wings and a surface being cleaned *and air from behind the rear wing* is entrained into the water. Accordingly, it appears that the new claims are patentable.

Moreover, the proffered suggestion to combine Lumpkin with Geel ("to provide a squeegee in Geel") is inadequate. Nowhere does Geel suggest scraping the ground, nor does Geel suggest or mention any other problem that might motivate one to want to use a squeegee. The fact that the squeegee of Lumpkin exists in a vacuum, without more, is insufficient prior art motivation to combine it with Geel, absent a prior art suggestion to do so.

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Apart from the above-noted weakness in the *prima facie* case, to the extent that it is persisted in, the enclosed declaration convincingly establishes secondary considerations of non-obviousness which overcome the *prima facie* case.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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1. My name is Harlan D. Delzer and I am employed as a Water Resources Analyst, working with water conservation issues at Inland Empire Utilities Agency (IEUA or Agency). The Agency encompasses 242 square miles, providing water service and wastewater treatment service to more than 700,000 people, and nearly 300,000 head of cattle. There are many water and water quality-related challenges within IEUA's service area.
2. My experience within IEUA spans nearly 18 years. I was originally hired, in 1986, as a Senior Chemist in the Agency's laboratory. Since then, I have held six additional titles across a broad spectrum of work responsibilities. Most recently, serving in the capacity of Water Resources Analyst, I have been asked to evaluate many water conservation appliances and tools. I currently manage two water conservation rebate programs (one for high efficiency clothes washers and another for swimming pool covers) and will soon be launching a third one associated with the installation and use of weather-based landscape irrigation controllers that "self-adjust" in response to weather conditions.
3. The WaterMiser WaterBroom, accurately depicted in Figures 2 and 3 of Mr. John Schommer's patent application, is a very effective tool that focuses on the efficient use of water while performing as a useful cleaning device. I have personally used the WaterBroom to clean concrete sidewalks, outdoor eating areas for elementary schools, and outdoor study areas at high schools within the IEUA service area. It performs these tasks faster, more efficiently, and more completely while using far less water than the "normal" high pressure, high velocity water hoses used in the past. More importantly, here in Southern California, it uses significantly less water. Thus, the WaterBroom provides superior results on three "fronts" simultaneously:
 - As a superior cleaning tool
 - As an effective water conservation device
 - As a versatile urban runoff mitigation system
4. The principal reason, in my opinion, for WaterBroom's effectiveness is the front and rear "wings" which extend transversely across the length of the WaterBroom. While not touching the ground, or the debris being cleaned from the surface under, and in front of the WaterBroom, these wings entrain, control, and direct a powerful stream of moving air. The air is mixed with, and accelerated by the pressurized water misting from multiple sprayers under the wing. The combined air and water mixture provides the "mechanical force" to perform the cleaning more effectively and while using less water than any other device I have ever used.
5. Because of the superior performance described above, IEUA has, for two consecutive years incorporated the WaterBroom into its water conservation program. During Fiscal Year 2002/2003 we purchased and distributed enough WaterBrooms to provide at least one to each police station and fire station within the seven cities incorporated within the IEUA service area (80 stations in all). Then, during Fiscal Year 2003/04, the Water Resources Department purchased

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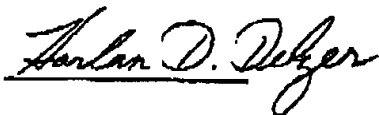
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approximately 225 more. These were distributed to all of the schools (elementary schools, middle schools, high schools, and some private schools) within the Agency's 242 square-mile service area. During Fiscal Year 2004/2005 the plan is to begin providing WaterBrooms to restaurants (with outdoor seating) that are required, by Health Department Codes and city Ordinances, to "wash-down" daily. The anticipated water saving has been estimated as approaching 50,000 gallons per year for each WaterBroom. IEUA is projecting a minimum purchase of 300 WaterBrooms for its FY 04/05 water conservation program. I anticipate IEUA will be purchasing and distributing at least 300 units per year in the future, as well; there are more than 6000 restaurants within the Agency's service area.

6. The WaterMiser WaterBroom is a very effective and versatile piece of equipment. My experience, within the water conservation "world" leads me to conclude that the WaterBroom meets a long-felt, and yet heretofore unmet, need for a pressurized water cleaning device that simultaneously cleans well, conserves potable water supplies, protects groundwater, and limits urban runoff. No other product, that I am familiar with, satisfies the market's needs better.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.



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